

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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JOSHUA GENTLE,

Plaintiff,

v.

DAVID J. MAHONEY and  
DEPUTY C. YANG,

Defendants.

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OPINION & ORDER

Case No. 18-cv-193-wmc

*Pro se* plaintiff Joshua Gentle is proceeding against defendant David J. Mahoney and Deputy C. Yang on a claim related to the exposure of lead in the drinking water at the Dane County Jail. On June 28, 2019, defendants filed a motion for summary judgment for failure to exhaust administrative remedies. (Dkt. #15.) The court set July 19, 2019, as plaintiff's deadline to respond to defendants' motion. On August 19, 2019, after plaintiff failed to respond by that deadline, the court gave plaintiff until September 9, 2019, to file a response to defendants' motion, warning him that his failure to respond would result in the court granting defendants' motion as unopposed and dismissing this lawsuit without prejudice. (Dkt. #21.) That deadline, too, has passed, and Gentle has not responded or contacted the court seeking an extension of that deadline. Accordingly, the court now will grant defendants' motion as unopposed and dismiss this lawsuit without prejudice for plaintiff's failure to exhaust his administrative remedies. *Ford v. Johnson*, 362 F.3d 395, 401 (7th Cir. 2004) (dismissal for failure to exhaust is always without prejudice).

ORDER

IT IS ORDERED that defendants' motion for summary judgment (dkt. #15) is GRANTED, and plaintiff's claim is dismissed without prejudice. The clerk of court is directed to enter judgment accordingly and close this case.

Dated this 26th day of September, 2019.

BY THE COURT:

/s/

WILLIAM M. CONLEY  
District Judge